Case 06-10725-gwz Doc 4861 Entered 09/24/07 17:17:35 Page 1 of 3 **LEWIS** ROCA E-Filed on 9/24/07 1 3993 Howard Hughes Parkway, Suite 600 Las Vegas, NV 89169-5996 Facsimile (702) 949-8321 2 Telephone (702) 949-8320 40 North Central Avenue, Suite 1900 3 Phoenix, Arizona 85004-4429 Facsimile (602) 734-3824 Telephone (602) 262-5756 4 Susan M. Freeman AZ State Bar No. 004199 Email: sfreeman@lrlaw.com 5 Rob Charles NV State Bar No. 006593 Email: rcharles@lrlaw.com 6 Attorneys for USACM Liquidating Trust UNITED STATES BANKRUPTCY COURT 7 DISTRICT OF NEVADA 8 Case No. BK-S-06-10725-LBR In re: Case No. BK-S-06-10726-LBR 9 USA COMMERCIAL MORTGAGE Case No. BK-S-06-10727-LBR COMPANY, Case No. BK-S-06-10728-LBR 10 Case No. BK-S-06-10729-LBR USA CAPITAL REALTY ADVISORS, 11 CHAPTER 11 LLC, 12 Jointly Administered Under Case No. USA CAPITAL DIVERSIFIED TRUST 13 DEED FUND, LLC, BK-S-06-10725 LBR USA CAPITAL FIRST TRUST DEED STIPULATION RE WITHDRAWAL 14 OF PROOF OF CLAIM NO. 10725-FUND, LLC, 00288 FILED BY TERRY 15 USA SECURITIES, LLC, MCCASKILL MD PROFIT Debtors. SHARING PLAN DTD 1/1/89 16 17 **Affects:** □All Debtors 18 ■ USA Commercial Mortgage Company ☐ USA Capital Realty Advisors, LLC 19 ☐ USA Capital Diversified Trust Deed Fund, LLC ☐ USA Capital First Trust Deed Fund, LLC 20 ☐ USA Securities, LLC 21 The USACM Liquidating Trust (the "USACM Trust"), by and through its 22 undersigned counsel, and Terry McCaskill MD Profit Sharing Plan DTD 1/1/89 23 ("Claimant"), stipulate: 24 1. Claimant filed a Proof of Claim ("Claim") No. 10725-00288 on September 25 28, 2006. 26

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| | ROCA | | | |
| | LAWYERS | | | |
| 1 | 2 On Average 24, 2007, USACM Trust notified Claimant of discussion with | | | |
| 2 | 2. On August 24, 2007, USACM Trust notified Claimant of discrepancies with | | | |
| 3 | respect to the Claim and gave Claimant the option to correct the discrepancies or withdraw | | | |
| 4 | the Claim. | | | |
| 5 | 3. Claimant notified the USACM Trust that Claimant wants to withdraw the | | | |
| 6 | proof of claim filed in this case. | | | |
| | Therefore, the parties stipulate and agree that Claimant withdraws proof of claim | | | |
| 7 | No. 10725-00288 filed on September 28, 2006, and no further notice shall be given to | | | |
| 8 | Claimant. Claimant will receive no distribution from the USACM Trust on account of the | | | |
| 9 | Claim, but this does not affect any payments Claimant may be entitled to receive from the | | | |
| 10 | current or future servicing agent on pending Direct Lender loans from current or future | | | |
| 11 | Borrower loan payments. | | | |
| 12 | DATED: 9/24/2007 | | | |
| 13 | LEWIS AND ROCA LLP | | | |
| 14 | By: <u>/s/ RC (#6593)</u> | | | |
| 15 | Susan M. Freeman, AZ 4199 (pro hac vice) Rob Charles, NV 6593 Counsel for USACM Liquidating Trust | | | |
| 16 | | | | |
| 17 | -and- | | | |
| 18 | DATED: 527107, 2007. | | | |
| 19 | DATED:, 2007. | | | |
| 20 | Jeurn Caslul | | | |
| 21 | Terry McCaskill MD | | | |
| 22 | Trustee for Terry McCaskill MD Profit | | | |
| 23 | Sharing Plan DTD 1/1/89 6630 South McCarran Boulevard, Suite 12 | | | |
| 24 | Reno, Nevada 89509-6136 | | | |
| 25 | | | | |

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| 3 | DATED: | 200 | 77 |
| 4 | DATED. | , 200 | |
| 5 | | | Brad Human |
| 6 | | | Brad T. Graves MD |
| 7 | | | Trustee for Terry McCaskill MD Profit Sharing Plan DTD 1/1/89 |
| 8 | | | 6630 South McCarran Boulevard, Suite 12 Reno, Nevada 89509-6136 |
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